

Message

From: Tyler, Tom [Tyler.Tom@epa.gov]
Sent: 10/4/2018 8:48:46 PM
To: Tyler, Tom [Tyler.Tom@epa.gov]
CC: Reed, Chris [Reed.Chris@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]
Subject: *Please review* Limetree Bay Terminal (LBT) DRAFT 10/5 DA Update

Importance: High

Dear LBT Workgroup (bcc'd),

Thank you again for the productive call today and your continuing contributions to this effort.

Please see below Rob's draft 10/5 update for Henry, to be sent by noon Eastern tomorrow. Please provide any urgent edits to Chris Reed, copying me and Rob Tomiak, **by 10am Eastern Fri 10/5**.

Thank you!

All the best,
Tom

Limetree Bay Terminals St. Croix project update 10/5/2018

- OP cross-agency workgroup is discussing the possibility of LBT applying for a Plantwide Applicability Limit (PAL), which LBT thinks is needed; EPA is researching best options and how to anticipate and assist.
- Current EPA Action (NO CHANGE) is the Consent Decree (CD). DOJ/OECA met with LBT and the VIDPNR 9/21 to discuss the CD. The parties are progressing toward agreement that six of LBT's 27 modification requests will be handled separately and outside the CD mod. Patrick Traylor (OECA) reiterated to LBT principals that EPA is postured to be responsive and has established an executive level coordination team, but LBT must provide DOJ and OECA with information requested to help.
- Most significant impact/risk (NO CHANGE) to LBT is the timing of USACE's 404 permit for a Single Platform Mooring (SPM) fed by an underwater pipeline that will accommodate off-shore bulk fuel transfer to large oil tankers (too large to be brought pier side) which LBT indicates they require by 11/1 to meet contractual obligations. The 404 permit triggered formal consultation with NMFS under Endangered Species Act (ESA) for impacts to coral/coral habitat, which commenced on 8/31 and is projected to conclude by 1/13, after which USACE will need about 2-3 weeks to issue their permit. LBT likely to elevate complaints specific to NMFS timeline.
- Proposed Summary for AW: (NO CHANGE) EPA has established a dedicated team to assist LBT; all EPA actions are tracking and currently pose no delay to refinery restart. EPA has made it clear that LBT needs to timely provide EPA with information requested.

Thomas Tyler, Esq. Director
Permitting Policy Division
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (MC: 2203A), Washington, DC 20460
w202.566.0808 c1 Personal Phone / Ex. 6 tyler.tom@epa.gov AO/OP/OFA 7242 WJCS